IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 23362 of 2005(F)

PETITIONER:

S. SUNITHA, PERUNADASSERI,
KADAKAVOOR P.O., PIN-695 306.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.V.VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL
EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR OF HIGHER SECONDARY EDUCATION
SANTHI NAGAR, THIRUVANANTHAPURAM.

3. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SCRETARY, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.ALEXANDER THOMAS, SC, KPSC
GOVERNMENT PLEADER, SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE RELEVANT EXTRACT OF THE RANKED LIST PUBLISHED BY THE P.S.C. FOR THE POST OF H.S.S.T. IN COMMERCE.

EXT. P2: COPY OF THE RELEVANT EXTRACT OF THE RANKED LIST PUBLISHED BYTHE P.S.C. FOR THE POST OF H.S.S.T. (JUNIOR) IN COMMERCE.

EXT. P3: COPY OF THE REPORT PUBLISHED IN THE MATHRUBHOOMI THOZHIL VARTHA DATED 30.7.2005.

/TRUE COPY/

P.A. TO JUDGE

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S.SIRI JAGAN, J.

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W.P.(C) No.23362 of 2005

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Dated this the 15th day of November, 2007

JUDGMENT

The petitioner applied to the PSC for selection to the post of HSST and HSST (Junior) in Commerce. She was included in the supplementary list for both posts. She is aggrieved by the fact that she is not being considered for appointment, although there are 9 NJD vacancies in HSST and 76 in HSST (Junior).

2. The contention of the respondents is that the main list prepared by the PSC has already exhausted. Six of the persons in the main list has been advised. That being so, no person can be advised from the supplementary list. The petitioner's contention is that although the main list has already exhausted, for appointment of NJD vacancies, persons from the supplementary list can be considered.

3. I do not agree. It is settled law that once the main list

is exhausted no advise can be made from the supplementary list. The very object of preparing supplementary list is that if candidates of a particular community entitled to reservation is not available in the main list, appointment can be made from the supplementary list. Therefore, the supplementary list has no separate existence from the main list. As such once the main list is exhausted no appointment can be made from the supplementary list. I do not find any merit in the writ petition and accordingly the same is dismissed.

S.SIRI JAGAN,
JUDGE

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